

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ELIZABETH M. VAUGHN,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 05-11534-JLT
)	
INVESTORS MARKETING)	
SERVICES, INC., INVESTORS)	
CAPITAL HOLDINGS, LTD.,)	
INVESTORS CAPITAL CORP.,)	
JANICE CHARLES AND)	
THEODORE CHARLES,)	
)	
Defendants.)	
_____)	

REQUEST BY PARTIES FOR COURT TO APPROVE SETTLEMENT

This Action involves a claim under the Family Medical Leave Act. In July, 2005, the Fourth Circuit in *Taylor v. Progress Energy, Inc.*, 415 F. 3d 364 (4th Cir. 2005) held that Family Medical Leave Act ("FMLA") claims may not be released unless settlements are approved by a court or the Department of Labor. Although the First Circuit has not yet opined on this issue, out of an abundance of caution, the parties hereby request that the court acknowledge and approve that a settlement has occurred in this matter.

Attached to this request as Exhibit A is an Affidavit of Elizabeth Vaughn, plaintiff in this matter, stating that she is aware that by settling this litigation, she is releasing all claims under the Family and Medical Leave Act.

WHEREFORE, the parties request that the court sign an order approving the settlement.

A form order is attached as Exhibit B.

Dated: March 20, 2006

The Plaintiff,
ELIZABETH VAUGHN
By her attorney,

Juliet Davison
Juliet Davison
Tricia A. Rice (mmw/permission)
Todd & Weld, LLP
28 State Street
Boston, MA 02109
(617) 720-2626

The Defendants,
INVESTORS CAPITAL HOLDINGS, LTD.,
INVESTORS CAPITAL CORPORATION and
THEODORE CHARLES,
By their attorneys,

Maureen Mulligan
Christopher P. Litterio (BBO #551098)
Maureen Mulligan (BBO#556482)
RUBERTO, ISRAEL & WEINER, P.C.
100 North Washington Street
Boston, Massachusetts 02114
(617) 742-4200

The Defendants,
INVESTORS MARKETING SERVICES
and JANICE CHARLES,
By their attorneys,

CERTIFICATE OF SERVICE
I hereby certify that a true copy of the above
document was served upon the attorney of record
for each party by mail (by hand) on 3/20/06
not receiving electronic service
Maureen Mulligan

Frederick T. Golder (mmw/permission)
Frederick T. Golder
P.O. Box 232
Lynnfield, MA 01940
(781) 334-4284

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELIZABETH M. VAUGHN,

Plaintiff,

vs.

Civil Action No. 05-11534-JLT

INVESTORS MARKETING
SERVICES, INC., INVESTORS
CAPITAL HOLDINGS, LTD.,
INVESTORS CAPITAL CORP.,
JANICE CHARLES AND
THEODORE CHARLES,

Defendants.

AFFIDAVIT OF ELIZABETH VAUGHN

I, Elizabeth Vaughn, hereby depose and state as follows:

1. I am the plaintiff in the above-captioned action. I am entering into a Settlement Agreement and Release with defendants in the above-captioned action.
2. My Complaint includes a claim under the Family and Medical Leave Act.
3. I have consulted with an attorney regarding the settlement of my claims.
4. I acknowledge that by entering into a settlement with Defendants, I am knowingly and voluntarily waiving and releasing any rights that I may have under the Family and Medical Leave Act.

Signed under the pains and penalties of perjury this 15 day of March, 2006.

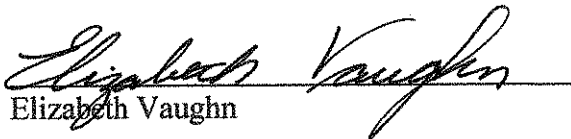

Elizabeth Vaughn

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
ELIZABETH M. VAUGHN,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 05-11534-JLT
)	
INVESTORS MARKETING)	
SERVICES, INC., INVESTORS)	
CAPITAL HOLDINGS, LTD.,)	
INVESTORS CAPITAL CORP.,)	
JANICE CHARLES AND)	
THEODORE CHARLES,)	
)	
Defendants.)	
_____)	

ORDER

After considering the request of the parties and the Affidavit of Elizabeth Vaughn, the court hereby approves the settlement reached by the parties in this matter.

So ordered:

Joseph L. Tauro
Justice of the United States District Court

Dated: _____, 2006